

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

14

**November 5, 2002**

**FROM: THOMAS R. LAURIN, DIRECTOR  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

**SUBJECT: ADOPT RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF  
ALL NECESSARY AND RELATED DOCUMENTS AND ACTIONS RELATIVE  
TO THE SALE BY THE OWNER OF NOVA PARK HEIGHTS APARTMENTS -  
COUNTY OF SAN BERNARDINO MULTIFAMILY HOUSING REVENUE BONDS,  
1998 SERIES A – SAN BERNARDINO**

**RECOMMENDATION:** Adopt resolution of the Board of Supervisors of the County of San Bernardino approving and authorizing:

1) The execution and delivery of an assignment, assumption, and consent agreement concerning the sale by Steadfast Park Heights, L.P., a California limited partnership, the owner and transferor (Transferor) of the Nova Park Heights Apartments (Project) to Capital Foresight-Inland Empire, L.P., a California limited partnership, Saidoff Enterprises, LLC, a Delaware limited liability company, General Partner and Naty Saidoff, Manager (Transferee), or its affiliated assignee, 2) the execution and delivery of a Bond Counsel Services Agreement with the firm of Fulbright & Jaworski, L.L.P. for legal services related to this sale and, 3) the execution and delivery of any and all necessary and related documents and actions in connection therewith.

**BACKGROUND INFORMATION:** In 1998, the Board of Supervisors adopted a resolution approving and authorizing the issuance, sale, and delivery of County of San Bernardino Multifamily Housing Mortgage Revenue Refunding Bonds, 1998 Series A in the amount of \$5,520,000, the proceeds of which were used for the refunding of certain outstanding bonds and to refinance the Nova Park Heights Apartments project (the Project) in the City of San Bernardino. The Project is a 192-unit residential rental development located at 2011 Arden Avenue, San Bernardino.

Transferor and Transferee have requested that the County consent to the sale of the Project and cooperate with them to cause the redemption of the Bonds. The proceeds from the sale will pay the outstanding bonds in full, as well as related expenses required by the Regulatory Agreement. The current loan agreement between the County and Transferor permits the sale or transfer of the bonded project subject to the prior approval of issuer (County).

Approval of a Bond Counsel Services Agreement is also included in the recommendation that will allow the law firm of Fulbright & Jaworski, L.L.P. to provide services for the proposed sale.

Record of Action of the Board of Supervisors

14

**ADOPT RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF ALL  
NECESSARY AND RELATED DOCUMENTS AND ACTIONS RELATIVE TO THE SALE OF  
NOVA PARK HEIGHTS APARTMENTS - SAN BERNARDINO**

**November 5, 2002**

**Page 2 of 2**

14

Approval of a Bond Counsel Services Agreement is also included in the recommendation that will allow the law firm of Fulbright & Jaworski, L.L.P. to provide services for this transaction. The Department of Economic and Community Development (ECD) completed a Board-approved Request for Proposals (RFP) process in August 2000 to solicit qualified underwriters and bond counsel firms, and to provide the necessary professional services specific to the Multifamily Residential Rental Housing Revenue Bond Program. The firm of Fulbright and Jaworski, L.L.P. was selected as provider of those services.

REVIEW BY OTHERS: The resolution was reviewed and approved by the Department of Economic and Community Development's Contract Compliance Designee, David Larsen, on October 23, 2002; Deputy County Counsel, Michelle D. Blakemore on, October 28, 2002; and the County Administrative Office, Patricia M. Cole, Administrative Analyst III on October 28, 2002.

FINANCIAL IMPACT: This action has no impact on the County General Fund, the Community Development Block Grant Program or the HOME Program. Neither the faith and credit nor the taxing power of the County, the State of California or any political subdivision thereof is pledged to the payment of the principal of, premium, if any, or interest on the Bonds. The owner has agreed to pay all costs associated with the sale of the project.

SUPERVISORIAL DISTRICT(S): 5<sup>th</sup>.

PRESENTER: Thomas R. Laurin, Director, 388-0808.

14